

UNITED STATES DISTRICT COURT
 for the
Eastern District of Michigan

United States of America

v.

Richard William GREER

Case No. Case: 2:22-mj-30514
 Assigned To : Unassigned
 Assign. Date : 12/6/2022
 Description: CMP USA v. SEALED MATTER
 (SO)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 26, 2022 in the county of St. Clair in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
26 U.S.C. § 5861(c)	Receipt or Possession of Firearm Made in Violation of National Firearms Act
26 U.S.C. § 5861(d)	Receipt or Possession of and Unregistered Firearm
26 U.S.C. § 5861(f)	Making a Firearm in Violation of National Firearms Act

This criminal complaint is based on these facts:

Continued on the attached sheet.



Complainant's signature

Special Agent Nathan Sutara - ATF

Printed name and title

Sworn to before me and signed in my presence
 and/or by reliable electronic means.

Date: December 6, 2022

City and state: Detroit, Michigan



Judge's signature

Hon. Jonathan J.C. Grey, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Nathan Sutara, being first duly sworn, hereby depose and state as follows:

EXECUTIVE SUMMARY OF PROBABLE CAUSE

The Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) is investigating Richard William Greer, for violations of 26 U.S.C. § 5861(c) (Receipt or Possession of Firearm Made in Violation of the National Firearms Act (“NFA”)), 26 U.S.C. § 5861(d) (Receipt or Possession of an Unregistered Firearm), and 26 U.S.C. § 5861(f) (Making a Firearm in Violation of NFA). On March 26, 2022, Port Huron Police responded to a call regarding a shots-fired incident Greer and his neighbors (the victims here). The victims told law enforcement that they heard multiple loud “bangs” outside their residence during the evening of March 25, 2022 and discovered bullet holes in their siding and broken glass the following day.

After surveying the damage to the victims’ home, as well as bullet holes in a basement window of the Subject Property, police spoke with Greer and his girlfriend. Both Greer and his girlfriend informed law enforcement that Greer had fired shots from the basement of the Subject Property.

Greer gave consent to conduct a search of the Subject Property on March 26, 2022, and during that search, law enforcement recovered 17 rifles/shotguns, 3

pistols, ammunition, magazines, and a device subsequently identified as a firearm silencer.

ATF examined the silencer and determined that it was unmarked (no serial number) and learned that Greer did not have any firearms registered in the National Firearm Registration and Transfer Record (“NFRTR”), and therefore illegally possessed an unregistered and unmarked firearm.

During a review of photographs taken during the prior search of the Subject Property, ATF discovered another suspected silencer and tools which could be used to manufacture a silencer. These items were not seized at the time of the original search.

On May 11, 2022, ATF executed a Federal search warrant on Greer’s residence for additional firearms. ATF located and seized several suspected silencers, and later sent them to the ATF Firearms Technology Criminal Branch for an official determination. The ATF concluded four (4) suspected silencers seized were in fact silencers. Further, none of the confirmed silencers were serialized, nor registered.

INTRODUCTION AND AGENT BACKGROUND

1. I have been employed as a Special Agent (“SA”) with the ATF since May 2018. I am currently assigned to the Detroit, Michigan Field Division, Flint Field Office. I am tasked with investigating violations of firearms and narcotics laws.

Before working with ATF, I was employed by the Michigan Department of State Police (“MSP”) for approximately five years. I held several positions with MSP, including Detective/Trooper with the Major Case Unit in Saginaw, Michigan. During this employment, I investigated numerous incidents involving narcotics trafficking, robberies, shootings, and homicides as well as violations of state and federal firearms laws.

2. I make this affidavit based on my participation in this investigation, including witness interviews by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

3. I am investigating Richard William Greer DOB- XX/XX/1973, for violating 26 U.S.C. § 5861(c) (Receipt or Possession of Firearm made in Violation of NFA), 26 U.S.C. § 5861(d) (Possession of an Unregistered NFA), and 26 U.S.C. § 5861(f) (Making a Firearm in Violation of NFA). I have probable cause to believe that on March 26, 2022 and on May 11, 2022, Greer was both in possession and manufacturing unregistered silencers, in violation of the NFA.

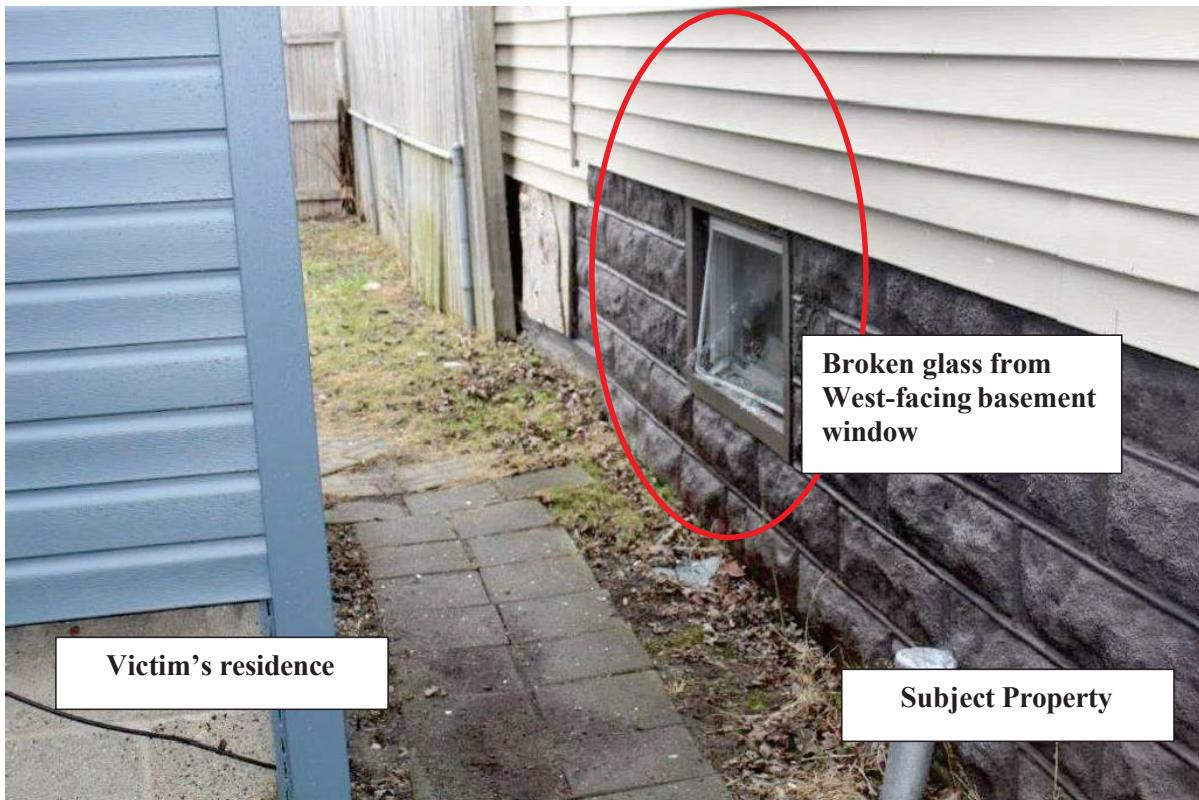
PROBABLE CAUSE

4. On March 26, 2022, Port Huron Police Officers were dispatched to a residence to investigate a possible shooting. Dispatch stated that the victims discovered several bullet holes in their home and believed that shots were fired into their home from their neighbor's house at 1201 Howard Street (the "Subject Property.") The victims further informed Dispatch that they could see bullet holes coming from the basement window of the Subject Property.

5. Port Huron Police spoke with one of the victims. The victim stated that on the prior day, March 25, 2022, between 6:00pm and 8:00pm, he was in the living room playing video games when he heard two to three loud "bangs." The victim initially ignored the bangs, believing it was just his neighbor at the adjacent residence working in his backyard. After hearing the initial bangs, the victim continued to hear loud noises outside. He reported hearing approximately five or six additional "bangs" during a ten-minute period but did not leave his residence to investigate the source of the noise that evening.

6. The following day, March 26, 2022, the victim observed broken glass outside his residence and observed bullet holes in his vinyl siding. The victim subsequently contacted the Port Huron Police.

7. After speaking with the victim, officers examined the outside of the victim's residence and observed damage to the vinyl siding consistent with having shots fired into the residence. Additionally, officers saw what appeared to be two metal bullet fragments on the east side of the victim's residence.



8. While outside, Officers observed a boarded-up window with several suspected bullet holes leading to what appeared to be the basement of the Subject Property. Officers noted that the bullet holes on the basement window and the damage to the victim's siding appeared consistent with an individual shooting from basement of the Subject Property out of the building.

9. After surveying the damage to the victim's residence, the officers knocked on the door of the Subject Property and made contact with a female occupant who allowed the officers inside. The officers advised the female occupant that they were investigating a shots-fired complaint and damage to the neighbor's property. The female told officers that her boyfriend, identified as Richard William Greer, fired shots inside their residence the previous day.

10. Officers subsequently arrested Greer for discharging a firearm into an occupied building. In custody, Greer was advised of his *Miranda* rights, waived his rights, and agreed to speak with law enforcement. During the interview, Greer admitted to shooting a firearm in his basement on March 25, 2022. Greer explained that he was shooting at a wooden backstop and that he shot approximately four bullets out of a silver pistol, which had previously been stored in a safe in his bedroom. During the interview, he further admitted that he had been drinking alcoholic beverages and was intoxicated while he was shooting the firearm.

11. After interviewing Greer, officers requested consent to search the Subject Property and seize the firearms located in his bedroom. Greer agreed and provided the location for the key to a firearms' safe. During this search, law enforcement located and seized 17 rifles/shotguns, 3 pistols, ammunition, magazines, and other firearms parts and accessories. Officers also located a suspected silencer, black in color, on the nightstand in Greer's bedroom.

12. In addition to the silencer, officers noted that one of the rifles had a threaded barrel and appeared to match the suspected silencer that was recovered. It is suspected that the silencer would be able to screw into/attach to the firearm with both threaded ends (see below photographs).

13. Following the search, officers spoke again with Greer's girlfriend and questioned her about the firearms and suspected silencer located in their home. Greer's girlfriend indicated that Greer makes silencers at home.

14. The Gun Control Act of 1968 ("GCA"), 18 U.S.C. § 921(a)(24), defines the terms "firearm silencer" and "firearm muffler" to mean any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.

15. Devices that meet this definition are subject to the NFA and are therefore required to be marked with a serial number and registered in the NFRTR.

16. On May 03, 2022, ATF SA Hurt and I went to Port Huron Police Department to inspect the suspected silencer. Upon examination, both SA Hurt and I observed the suspected silencer was threaded on one end, which would allow it to be attached to a threaded barrel. Further, the interior cylinder was drilled out, like

that of a muffler, which based on my training and experience, I know would be used to muffle sound. Additionally, I observed that the suspected silencer had a hole in front of the endcap.

17. Based on my training and experience, the hole in the endcap of this device, in combination with the threaded barrel and drilled out cylinder, would meet the Federal definition of a firearm silencer" under the NFA.

18. The following are photographs taken of the suspected silencer, as well as a rifle with a threaded barrel.



Overall view of suspected silencer



Threaded-end of
suspected silencer.
(attached to the end)



End of suspected silencer



Threaded rifle barrel

19. Additionally, while examining the silencer, I was unable to locate a serial number as required by the NFRTR. Thus, because the device was unmarked, I determined that it was made in violation of the NFA. (See 26 U.S.C. § 5861(c)).

20. After examining the suspected silencer, I spoke with Port Huron Police Detective Hunger, who is assigned to this case. I asked Hunger if he observed any tools or other items which could be used to manufacture silencers during the search, consistent with what Greer's girlfriend told law enforcement. Detective Hunger stated that officers located a Dremel drill and other tools on the

nightstand with the suspected silencer.

21. SA Hurt and I also reviewed photographs taken during the search of the Subject Property, and I observed what appeared to be another silencer, as well as additional tools which could be used to manufacture a silencer. These items were not seized at the time of the original search.

22. In the photograph below, the item circled in red appears to be another suspected silencer. The items circled in yellow appear to be a metal pipe, drill bit, and other tools possibly used to manufacture silencers.



23. On May 03, 2022, I spoke with ATF Industry Operating Investigator (“IOI”) Murphy. ATF IOI Murphy confirmed that Greer does not have any firearms registered in the NFRTR. The NFRTR is the central registry for all items regulated under the NFA, including silencers. Failure to register an NFA-type firearms, including silencers, violates 26 U.S.C. § 5861.

24. Therefore, on March 26, 2022, Greer was not only in possession of an unmarked silencer, made in violation of 26 U.S.C. § 5861(c), but he was also in possession of an unregistered silencer in violation of 26 U.S.C. § 5861(d)). Furthermore, because Greer does not have any firearms registered to NFRTR, any other silencers currently in the residence would also constitute a violation of 26 U.S.C. § 5861(d). Lastly, because Greer was in possession of tools which could be used to make a silencer, these tools would also constitute a violation of 26 U.S.C. § 5861(f).

25. On May 11, 2022, I sought and obtained a Federal Search Warrant for Greer’s residence of 1201 Howard Street, Port Huron, MI reference this investigation. The search warrant was signed by U.S. Magistrate Judge Elizabeth Stafford.

26. On May 12, 2022, ATF Flint executed the search warrant.

27. Upon arrival at the residence, ATF made contact with the occupants regarding this investigation.

28. I spoke with an occupant who provided the following:

- When asked about silencers, the occupant stated that Greer made one for one of his .22 caliber rifles, but did not know how to fit it on the barrel.
- Greer made the silencer about 1-2 years ago.
- The occupant has not seen Greer possess or make any other silencers.
- No additional information was obtained.

29. At the conclusion of the search warrant, ATF located and seized the following items:

- **Item #1:** Suspected silencer-no end hole
- **Item #2:** Suspected silencer, silver in color, with steel wool inside
- **Item #3:** Brown & Silver suspected silencer
- **Item #4:** Suspected silencer, silver in color, with threaded ends
- **Item #5:** Box with metal pieces and metal pipe
- **Item #6:** Two metal pipes. Partially threaded, but not completed
- **Item #7:** Proof of Residency for Richard William Greer to 1201 Howard Street, Port Huron, MI 48060.

30. On May 16, 2022, I obtained additional property from Port Huron PD regarding this investigation. It should be noted, Item #s 8-11 were seized by Port Huron PD at the time of Greer's arrest on March 26, 2022.

- **Item #8:** Suspected metal silencer wrapped with black tape
 - Has threaded end
- **Item #9:** Black in color "Atomic Beam" flashlight with steel wool inside
 - Attached to end of barrel of Item #10
- **Item #10:** Harrington & Richardson, model 700, .22 caliber rifle bearing S/N: BA603862
 - Contained Item #9 on end of barrel
- **Item #11:** Marlin Firearms Company, model 60, .22 caliber rifle bearing S/N: 23382479
 - With threaded barrel
- **Item #12:** CD with search warrant photographs

31. Following the search warrant, and after obtaining the remaining property from Port Huron PD, I submitted ATF Item #s: 1, 2, 3, 4, 8, & 9 (all suspected silencers) to the ATF Firearm Technology Criminal Branch ("FTCB") for an official determination on if these items are in fact silencers.

32. Title 28 of the United States Code ("U.S.C.") provides the ATF the authority to investigate criminal and regulatory violations of Federal firearms law at the direction of the Attorney General. Under the corresponding Federal regulation at 28 CFR § 0.130, the Attorney General provides ATF with the authority to

investigate, administer, and enforce the laws related to firearms, in relevant part, under 18 U.S.C. Chapter 44 (Gun Control Act) and 26 U.S.C. Chapter 53 (NFA). Pursuant to the aforementioned statutory and regulatory authority, the ATF Firearms and Ammunition Technology Division (“FATD”) provides expert technical support on firearms and ammunition to federal, state and local law.

33. After the analysis of the suspected silencers, ATF FTCB determined the following ATF items are silencers as defined in 18 U.S.C. § 921(a)(25), 18 U.S.C. § 921(a)(3)(C), and is further defined a “firearm” as in 26 U.S.C. § 5845(a)(7).

- **Item #2**
- **Item #3**
- **Item #8**
- **Item #9**

CONCLUSION

34. Based on the above information, I have probable cause to believe that Richard William Greer violated 26 U.S.C. § 5861(c) (Receipt or Possession of Firearm made in Violation of NFA), 26 U.S.C. § 5861(d) (Possession of an Unregistered NFA), and 26 U.S.C. § 5861(f) (Making a Firearm in Violation of NFA).

Respectfully submitted,



Nathan Sutara, Special Agent
Bureau of Alcohol, Tobacco,
Firearms and Explosives

Sworn to before me and signed in my presence
and/or by reliable electronic means

Jonathan J.C. Grey
HON. JONATHAN J.C. GREY
UNITED STATES MAGISTRATE JUDGE

Date: December 6, 2022